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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,734	09/23/2003	John J. Toben	6006-141-1	2477

7590 02/16/2007  
Nicholas J. Tuccillo, Esq.  
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185 Asylum Street  
Hartford, CT 06103

EXAMINER
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GARCIA, ERNESTO

ART UNIT	PAPER NUMBER
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3679

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/16/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/668,734

Applicant(s)

TOBEN ET AL.

Examiner

Ernesto Garcia

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20 is/are rejected.
- 7) ☒ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The indicated allowability of claim 20 is withdrawn in view of the newly discovered reference(s) to James, 583,379. Rejections based on the newly cited reference follow.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. Note that this objection has not been addressed. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "a first fold which bent at a break point" recited in claim 12, line 4-5 lacks proper antecedent basis. Applicants argue on the remarks filed on August 9, 2006 that paragraph 031, lines 4-6 indicates "the break point 114 of the first fold 110" and thus provides the antecedent basis required. In response, applicants should note that this description is inaccurate because the break point 114 is of the second fold 112. Note that Figure 3 shows the break point 114 at the bottom of the second fold 112 and not of the first fold 110. According to Figure 3, there appears to be two break points one for each fold.

***Claim Rejections - 35 USC § 102***

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by James, 583,379.

Regarding claim 20, James discloses, in Figure 12, a method comprising:  
integrally forming a female end portion **a** at another distal end of a duct wall **B1**  
(see marked-up attachment); and,  
integrally forming the female end portion includes:  
bending a first fold **A1** beginning at a break point **A5** of the duct wall **B1** to extend  
at a hemmed angle **B2** towards an interior of a ductwork;  
bending a second fold **A2** back upon the first fold **A1** to extend substantially  
adjacent to the break point **A5**;  
bending a third fold **A3** beginning substantially adjacent to the break point **A5**  
and extending substantially parallel to the duct wall **B1**; and,  
bending a fourth fold **A4** back against the third fold **A3**.

***Allowable Subject Matter***

Claim 21 is objected to as being dependent upon a rejected base claim, but  
would be allowable if rewritten in independent form including all of the limitations of the  
base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claim 21, the prior art of record does not disclose or suggest a method of forming a seam for ductwork comprising integrally forming a sealing fold at a distal end of a fourth fold and bending the sealing fold to be transverse to a female groove prior to a male portion being inserted into the female groove (lines 3-5) in combination with a first fold beginning at a break point of a duct wall (claim 20, lines 6-7). The closest prior art, James, 583,379, fails to include a sealing fold at the distal end of the fourth fold. There's no reason to combine Sleeth, 2,286,118, to add this feature to James since the first fold provides the sealing fold.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-282-7083. The examiner can normally be reached from 9:30-6:00. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*E.J.*

E.G.

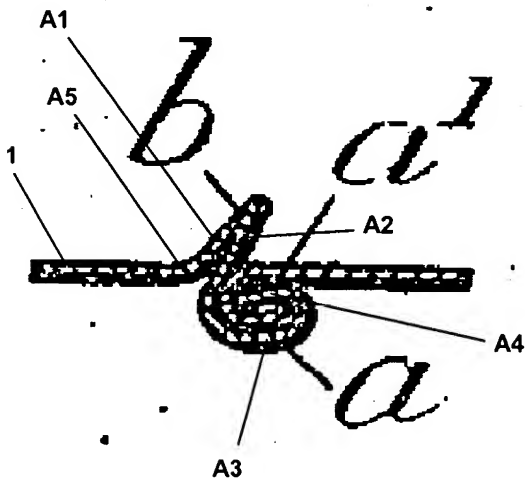
February 6, 2007

Attachment: one marked-up page of James, 583,379

*Daniel P Stodola*

DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

James, 583,379



*Fig. 12.*